

HOUSE BILL No. 1202

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-25-6-21; IC 31-37-19-17.2; IC 35-43-4-8.

Synopsis: Failure to pay restaurant or bar bill. Provides that if a person is convicted of theft or conversion or a delinquent act for consuming food or a beverage from a restaurant, cafeteria, cafe, bar, tavern, or concession stand and not paying or authorizing payment for the food or beverage, the person's driver's license shall be suspended for 30 days, subject to reinstatement. Makes conforming amendments.

Effective: July 1, 2007.

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January 11, 2007, read first time and referred to Committee on Rules and Legislative Procedures.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1202

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-25-6-21 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. (a) Upon receiving
3 an order issued by a court under IC 35-43-4-8(b) concerning a person
4 convicted of fuel theft **or food or beverage theft**, the bureau shall do
5 the following:

6 (1) Suspend under subsection (b) the driving privileges of the
7 person who is the subject of the order, whether or not the person's
8 current driving license accompanies the order.

9 (2) Mail to the last known address of the person who is the subject
10 of the order a notice:

11 (A) stating that the person's driving license is being suspended
12 for:

13 (i) fuel theft; **or**

14 (ii) **food or beverage theft**;

15 (B) setting forth the date on which the suspension takes effect
16 and the date on which the suspension terminates; and

17 (C) stating that the person may be granted a restricted driving

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1 permit under IC 9-24-15-6.7 if the person meets the conditions
2 for obtaining a restricted driving permit.

3 (b) The suspension of the driving privileges of a person who is the
4 subject of an order issued under IC 35-43-4-8(b):

- 5 (1) begins five (5) business days after the date on which the
6 bureau mails the notice to the person under subsection (a)(2); and
7 (2) terminates thirty (30) days after the suspension begins.

8 (c) A person who operates a motor vehicle during a suspension of
9 the person's driving privileges under this section commits a Class A
10 infraction unless the person's operation of the motor vehicle is
11 authorized by a restricted driving permit issued to the person under
12 IC 9-24-15-6.7.

13 SECTION 2. IC 31-37-19-17.2 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17.2. (a) This section
15 applies if a child is a delinquent child under IC 31-37-1 due to the
16 commission of a delinquent act that, if committed by an adult, would
17 be a theft or criminal conversion described in IC 35-43-4-8 (fuel theft
18 **or food or beverage theft**).

19 (b) The juvenile court shall, in addition to any other order or decree
20 the court makes under this chapter, order the bureau of motor vehicles
21 to:

- 22 (1) suspend the child's operator's license; or
23 (2) invalidate the child's learner's permit;

24 under IC 9-25-6-21 in the same manner as the bureau of motor vehicles
25 is required to suspend the driving privileges of a person convicted of
26 fuel theft **or food or beverage theft**.

27 SECTION 3. IC 35-43-4-8 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) A conviction for
29 an offense under section 2 of this chapter or section 3 of this chapter
30 that involves exerting unauthorized control over gasoline or motor
31 vehicle fuel:

- 32 (1) by operation of a motor vehicle to leave the premises of an
33 establishment at which gasoline or motor vehicle fuel is offered
34 for sale after the gasoline or motor vehicle fuel has been
35 dispensed into the fuel tank of the motor vehicle; and
36 (2) without payment or authorization of payment by a credit card,
37 debit card, charge card, or similar method of payment;

38 shall result in the suspension of the driving privileges of the person.

39 (b) **If a person is convicted of an offense under section 2 or 3 of**
40 **this chapter for:**

- 41 (1) **consuming food or a beverage that is served by a**
42 **restaurant, cafeteria, cafe, bar, tavern, or concession stand;**

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1 **and**

2 **(2) not:**

3 **(A) paying; or**

4 **(B) authorizing payment by a credit card, debit card,**
 5 **charge card, or similar method of payment;**

6 **for the food or beverage;**

7 **the person's driving privileges shall be suspended under this**
 8 **section.**

9 ~~(b)~~ **(c)** The court imposing **a** sentence for a violation under
 10 subsection (a) **or (b)** shall issue an order to the bureau of motor
 11 vehicles:

12 (1) stating that the person has been convicted of an offense under
 13 section 2 of this chapter or section 3 of this chapter involving the
 14 unauthorized taking of:

15 **(A) gasoline or motor vehicle fuel; or**

16 **(B) food or beverages; and**

17 (2) ordering the suspension of the person's driving privileges
 18 under IC 9-25-6-21.

19 The suspension of a person's driving privileges under this section is in
 20 addition to other penalties prescribed by IC 35-50-3-2 for a Class A
 21 misdemeanor or by IC 35-50-2-7 for a Class D felony.

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